

*This is a transcription of episode 9 of Season Two of In the Dark. Italics indicate audio. Musical notations and other production elements aren't included. Because there may be imprecisions in the transcript, the audio should be considered the official record of the episode.*

## Episode 9: Why Curtis

Previously on In the Dark.

*Randy Stewart: John Johnson, I said, 'All I want is a conviction.' And he said, 'I'm going to Plano, Texas and get him.' I hugged his neck and I said, 'John, bring his ass back. John, go get him. Let's convict him.'*

*Patricia Tierce: The prosecutor did a good job, he really did. I don't think he could have, anybody else could have done a better job. And his investigator did a good job. He's very professional.*

*[Video] John Johnson: Was your statement free and voluntary?*  
*Clemmie Fleming: Yes.*

*Roy Harris: He showed me Curtis Flowers' picture—like a school, school picture.*

*Madeleine Baran: How many photos did they show you?*

*Joann Young: How many pictures did they show you?*

*Roy Harris: Just one. Mr. Flower's picture.*

*Madeleine Baran: So are you confident that you have the right person, that Curtis Flowers is guilty?*

*Doug Evans: That I will answer, definitely. No question at all.'*

In the summer of 1996, Curtis Flowers was 26 years old and he was looking for work. And Curtis found out that a store called Tardy Furniture was hiring. They needed someone to help out delivering furniture and doing odd jobs.

Curtis was offered the job and he took it. It was a simple decision — Curtis Flowers accepting a job offer to work at a family-owned furniture store. By all accounts he didn't give it much thought.

But this decision, to take a job at Tardy Furniture, would change the rest of Curtis' life. It could even result in his death. Because the reason law enforcement suspected Curtis of the murders so quickly, and why they kept investigating him for so long, can all be traced back to what happened in the three days that Curtis worked at Tardy Furniture.

This is Season Two of In the Dark, an investigative podcast by APM Reports. I'm Madeleine Baran. This season is about the case of Curtis Flowers, a black man from a small town in

Mississippi, who's spent the past 21 years fighting for his life, and a white prosecutor who's spent that same time trying just as hard to execute him.

The case against Curtis Flowers was weak. There was almost nothing there.

So, I wanted to know why law enforcement had settled on Curtis Flowers as the murderer in the first place. Why Curtis and not someone else?

To find that out, I had to start at Tardy Furniture.

Tardy Furniture had been in Winona since 1940. It was on the town's main street right across from the old train station, where a young Emmett Till had arrived in Mississippi in 1955 to visit his relatives a few towns over, only to be murdered a little more than a week later after a white woman accused him of flirting with her in a store.

Tardy Furniture was founded by a man named Tom Tardy. He was married and had several children. And he ran the store for decades.

Tom Tardy was also an alderman on the Winona City Council. Among the ordinances he voted for was a 1956 law that required bus and train stations in Winona to have separate facilities for black people and white people. That ordinance passed unanimously.

In 1956, Tom Tardy hired a white woman named Bertha Miller to work at the store. And Bertha, by all accounts, was an excellent employee. She'd gone to school for interior design, and she was especially good at helping people redecorate their homes, like helping people pick out the right dining room set to match their wallpaper.

We talked to a woman who was a good friend of Bertha's. Her name is Betty Ware.

*Betty Ware: She was very, very sweet. Very, very sweet. Real soft spoken. Never heard her raise her voice, always had a smile on her face. Very pretty woman. Very, very pretty woman. She had perfect skin. Her complexion was just perfect. And she kept herself so neat, well dressed. A very, very likeable woman, really likeable.*

Bertha was involved in all kinds of community groups. She'd been the president of the Winona Parent-Teacher Association. She volunteered with Habitat for Humanity. She was the first woman president of the Montgomery County Economic Council. And she taught Sunday school at the Methodist church.

One of the people who talked to me about Bertha was Benny Rigby, the husband of Carmen Rigby. Carmen was one of the four people murdered in the store. Benny told me Bertha was just a wonderful person.

*Benny Rigby: She was a lady. You know, there's people out there that, that you know, you just — kind of looks like a virtuous woman. You know what I mean?*

In 1985, when Tom Tardy was looking to retire, he sold the business to Bertha. In 1994, Tom Tardy's wife died, and the next year he married Bertha, and she became Bertha Tardy.

Benny Rigby told me that you could tell just by walking into Tardy Furniture that it was a special place.

*Benny Rigby: The atmosphere was good. It wasn't any filthy language going on in the store or telling dirty jokes or anything like that. It was a, just a good Christian atmosphere in the store all the time.*

Tardy Furniture didn't have a lot of employees. There was the store's owner, Bertha Tardy. There was the sales clerk and bookkeeper, Carmen Rigby, and a delivery driver or two, and some part-time people. Tom Tardy had retired from the store, but he still spent a lot of time there. A lot of people told me that most mornings you could find Tom Tardy sitting in a La-Z-Boy chair in the front, talking to people who stopped by.

So, this was the place where Curtis Flowers started working in the summer of 1996.

He was hired to deliver furniture and do other odd jobs, and he would end up working at Tardy Furniture for a total of 18 hours over three days. Such a brief period of time. Really, almost no time at all.

And yet, in those three days, the people at Tardy Furniture formed an impression of Curtis Flowers that would prove so powerful that it would guide everything that followed.

Curtis' first day at Tardy Furniture was a Saturday, June 29. And right away, Bertha Tardy and Carmen Rigby, the two white women who worked in the store, told their family members that Curtis was making them uncomfortable.

Carmen Rigby's husband, Benny, told me about it.

*Benny Rigby: When she told him to do something he'd stand there and kind of stare at her and look her up and down, you know, and made her feel kind of uneasy about him.*  
*Madeleine Baran: How did he act?*

*Benny Rigby: Well, she'd ask him to do something and he'd just stand there and stare at her, like, for a minute or two, just like he was staring a hole through her or something, you know.*

*Madeleine Baran: Did he threaten her, do you know?*

*Benny Rigby: Hell no. No. It was just, like I say, it was just his demeanor. Like I say, when you ask somebody, 'You need to go load this up or something,' and they stand*

*there and look at you and grin at you and won't move for a minute or two, you know, it's kind of weird. And she didn't feel comfortable with him. But um, but anyway.*

*Madeleine Baran: Did she think he was going to do something?*

*Benny Rigby: I don't know if she thought that or not. She just, you know, what would you think if you were in charge and you asked somebody to do something and they stood there and just stared at you and grinned and wouldn't move. You know, it just makes you feel uncomfortable.*

Benny Rigby told me that I should talk to Bertha Tardy's son in law, Frank Ballard, because Frank had first-hand knowledge of how Curtis was behaving in the store.

Frank Ballard agreed to talk to me. But he didn't want to be recorded.

And Frank told me about how one day, back in the summer of 1996, Bertha Tardy had given him a call and told him that she was worried about her new employee, a man named Curtis Flowers. She told Frank that she'd heard that Curtis had been fired from his last job because of drugs or because he was in a gang. This rumor actually wasn't true. Curtis had been let go from his last job, but it wasn't for any of those reasons. We checked with Curtis' old boss, a man named Claude Ware, and he said he never knew Curtis to be on drugs or in a gang, but that he had to let Curtis go because he just missed too many days of work.

*Claude Ware: Well, uh, he was a good employee, done his job, and I thought he was a good guy, but uh, he didn't come to work regular.*

But when Bertha's son-in-law Frank Ballard heard the rumor about Curtis being on drugs and in a gang, he dropped everything he was doing right then and there, and he drove to Tardy Furniture. He said he wanted to lay eyes on Curtis and let him know that a man was in the picture to make it clear to Curtis that he needed to behave himself around these two women inside Tardy Furniture.

Frank Ballard told me that when he got to the store, he tried talking to Curtis, but he found Curtis quite odd. Frank said he asked Curtis general questions, like "How was your day? How are you doing?" But all of Curtis' answers were short — just "yes" or "no" or "uh-huh," things like that. And Frank told me it was hard to get a read on Curtis because Curtis wouldn't look him in the eye. He said it was strange to him, how Curtis never made eye contact. And to Frank this seemed significant.

According to Frank Ballard, Curtis was odd because he didn't make eye contact. According to Benny Rigby, Curtis was odd because he made too much eye contact.

To hear these two men describe this now, it sounded as though Curtis had worked in the store for weeks or even months. But all this happened in much less time.

On Curtis' third day of work, Bertha Tardy asked him to run an errand. She asked Curtis to go down the street and pick up some large batteries that she'd bought for a golf cart

So, Curtis headed out and he loaded these big batteries onto the back of the truck. But he didn't tie them down. And so, when Curtis drove away, the batteries slid right off, and some of them broke.

Curtis' uncle, Roscoe Campbell, actually saw this happen because he was outside at a fish market a few feet away.

*Roscoe Campbell: They was on the back of the truck and they slid out of bed of it. And when they pulled off they slid out and hit the ground.*

*Madeleine Baran: So when they fell, like, what was his reaction?*

*Roscoe Campbell: He ain't think nothing else about that. We ain't thought nothing else about that battery. You know, none of that.*

*Madeleine Baran: He didn't think it was a really big deal.*

*Roscoe Campbell: No!*

Curtis went back to the store and told Bertha Tardy what had happened. Bertha told him that she'd try to get the place where they'd bought the batteries to cover the costs, but if that didn't work she was going to have to dock his pay.

This was July 3, 1996, a day before the July Fourth holiday. And before Curtis left work that day Bertha loaned him thirty dollars for the long weekend.

Curtis had the next day off. That was Thursday, July Fourth, the holiday. Curtis was scheduled to come back to work on Friday and on Saturday, but he didn't show up for either of those days. Instead he spent the weekend hanging out with his family, including his uncle, Johnny Earl Campbell.

*Johnny Earl Campbell: We were having a good time then, everybody had fireworks and we were, you know, popping them at each other and all. I mean, that was very good time.*

Curtis didn't go to work on Monday, either. On Tuesday, according to what Curtis later told the investigators, he called in and asked Bertha if he still had a job after missing three days of work. And Bertha told him that she really couldn't use him anymore after he'd missed so many days.

And Bertha told him she'd need to keep his paycheck to cover the cost of the batteries. The paycheck wasn't much. Just \$82.58.

Curtis later told the investigators it wasn't a big deal. He'd only had the job for a few days anyway. And he said he and Bertha wished each other well. He said Bertha told him, "Sorry things didn't work out." And he told her "okay." And that was it

But at trial, Doug Evans claimed that something much more dramatic had happened. Doug Evans told the jurors that Bertha straight up fired Curtis.

The batteries fell and Curtis was fired, and he didn't get his check for \$82.58, and he was furious.

And that, Doug Evans told the jurors, was the motive for the murders. That's why Curtis did it.

I was talking to Benny Rigby about how Curtis' time at Tardy Furniture ended, and Benny said something that surprised me. Because it didn't match what the D.A. Doug Evans has said in court.

*Madeleine Baran: He worked there for a few days and then he got fired? Or he—.*

*Benny Rigby: Ah, he just didn't come back, from the way I understand it. It's just like not showing up for work. You know, he decided not to show up for work. But anyway.*

Frank Ballard, Bertha's son-in-law, told me the same thing, that Curtis Flowers was not fired. He just stopped showing up to work and that was the end of it.

On July 16, 1996, 13 days after Curtis' last day of work at Tardy Furniture, Bertha Tardy, Carmen Rigby, Robert Golden and Bobo Stewart were found shot in the head at the store.

One of the first investigators on the scene was the D.A.'s investigator, John Johnson. And John Johnson would go on to play the single most important role in the investigation of the murders at Tardy Furniture. Because it was John Johnson who connected the dots that led to Curtis Flowers.

John Johnson had a reputation around town. He was from Winona, and he'd worked as a cop for years. Almost everyone I talked to about John Johnson, especially all his old cop friends, would mention that John Johnson was tough.

I talked to a former Grenada police officer named Freddie Tilghman who'd worked with Johnson back in the '70s.

*Freddie Tilghman: When I was a captain on police department, John was on my shift. And he was one of the best officers I had ever worked with.*

*Madeleine Baran: So, what made him such a great police officer?*

*Freddie Tilghman: He knew how to handle people. And well now, if you could find any fault with him, he was possibly a little bit, I don't know how to say it. He—where I would give a person a break and the benefit of the doubt — uh, John recognized that they was committing a fel — a violation of the law, and would arrest or charge somebody faster than I did, only thing, that was only—. And that's not really a complaint. You know, there's people who could say I didn't do my job when I let folks go.*

*Madeleine Baran: Different style.*

*Freddie Tilghman: And, uh, the word was out on the street that John was, uh, like some of the TV characters, he had a black belt in karate.*

*Madeleine Baran: Really?*

*Freddie Tilghman: But he never abused it. But didn't nobody—. He could take care of himself.*

*Madeleine Baran: So people knew he had a black belt.*

*Freddie Tilghman: Well, I don't know whether some of them knew it or not. But he surprised a lot of them would bow up and want to fight. I'm not saying that he'd done that a lot of times, but we were in situations a time or two, where it came in handy.*

*Madeleine Baran: Really? So he would actually like use some karate moves?*

*Freddie Tilghman: Well, I don't think he used karate, just as much as, if somebody tried to hit him, he could defend himself and without hurting them, leaving scars. And that was —. Of course, I'm sure he could have had he wanted to, but he didn't. But as far as patrolman goes, probably one of the best I've ever worked with. He just done everything right. Some folks didn't think that.*

*Madeleine Baran: What? Why?*

*Freddie Tilghman: He had the reputation with some of the black people that he was a little too hard on them. But like I said, if they didn't, if they didn't violate the law, he didn't bother them at all. And it was, like I said, was always fair about it. That's all I can say.*

In 1977, John Johnson was sued for beating up a white man named Lonnie Blaylock outside of a restaurant while he was on duty as a cop. Johnson testified in a deposition about what he said had happened. Johnson said he was trying to arrest Blaylock for public drunkenness, but Blaylock resisted and drew back like he was going to hit him. So, Johnson punched him first. Johnson's punch knocked Blaylock to the ground. Johnson put his foot on Blaylock's chest and told him to quote, "act like you've got some sense." Then Johnson tried to push Blaylock into the car and Johnson punched him one more time in the mouth. The city of Winona settled the lawsuit for \$1,000.

John Johnson rose through the ranks of the Winona Police Department. And in 1985, he became the police chief

In 1991, John Johnson announced that he was leaving that job to become an investigator for the D.A. Doug Evans. Evans had just been elected, and hiring John Johnson was one of his first decisions.

On the day of the murders at Tardy Furniture it didn't take long for John Johnson to narrow in on a suspect. Less than two hours in fact.

Because right away some of the family members of the victims told John Johnson to look at Curtis. Benny Rigby, Carmen's husband, said the whole thing was pretty clear cut.

*Benny Rigby: You know, we kind of had a clue probably who did it, to start with, because he was, uh. My wife was scared to death of him because just the way he acted the few days he worked there.*

I have the investigative notes that John Johnson took in this case and the other documents from the investigation. Because the D.A. Doug Evans turned them over to Curtis' lawyers before trial as part of discovery, so they're part of the records of the case. Doug Evans said this was everything in the entire file.

I decided to retrace John Johnson's steps, to see what he did in the investigation, how he'd connected the dots, how he'd developed the case against Curtis Flowers. And I decided to do it using his own notes

And these notes that John Johnson took are perplexing. When Johnson interviewed someone, a lot of the time he would just jot down a few words on a sheet of paper. And that was it. A lot of his notes don't include some of the most important information. For example, Johnson's note from his interview of the man who found the bodies at Tardy Furniture does not even mention the bodies at Tardy Furniture. There's nothing about what the man saw at the store at all. The entire note is just nine lines long, and most of it is just a list of people the man saw on his way to Tardy Furniture.

And many of the interviews, including that one, weren't recorded, so all I had to go on were these notes. I started reading them and I found out that the very first person John Johnson had interviewed in the entire investigation, according to Johnson's notes, was Bertha Tardy's husband, Tom Tardy. Tom Tardy never testified at trial and he died four years after the murders.

According to Johnson's interview notes, Johnson talked to Tom Tardy at 11:35 a.m., which was about an hour and ten minutes after law enforcement first learned of the murders.

Johnson's notes from this interview are handwritten. Just a bunch of phrases, no complete sentences, like it was jotted down on the fly. The whole thing is less than 100 words

The only person mentioned is Curtis Flowers.

The note says "dropped batteries." That phrase is circled.

And there's a line that's in quotes. It says, quote, "Doesn't matter attitude — Rude."

And then the note says, quote, "Bertha was concerned about attitude and Tardy was too."

The note also seems to refer to an earlier break-in at the store that had happened about a week before the murders.

In that break-in, someone had come in through a window and tried to get into the store's safe but hadn't been able to. Police never solved the crime.

But the notes from John Johnson's interview of Tom Tardy on the day of the murders seem to suggest that Tom Tardy had given John Johnson a possible clue about the break-in. Johnson wrote, quote, "Large sweaty leg marks (soiled) in chair in front of safe."

The note seemed to be saying that the person who broke into the store was so sweaty that he'd left traces of himself on the chair, these large sweaty leg marks.

John Johnson would later say under oath in the sixth trial that the reason that Curtis Flowers was a suspect right away that day was simple. Johnson told the jurors, quote, "I knew that the Tardy family had considered Curtis a threat and that they were concerned about their safety dealing with him."

And the picture the victims' relatives painted of Curtis was hard to ignore

*Benny Rigby: This Curtis Flowers, you know, he uh, he kind of gave my wife the creeps, you know, the way he would stand there and stare at her and stuff like that.*

A black man who stared at white women A black man who wouldn't make eye contact with a white man. A black man who was sweaty, who'd maybe lost his last job because he was on drugs or in a gang. And who was so careless that he damaged someone else's property when he dropped those batteries. A sweaty, disrespectful black man with a "doesn't matter" attitude.

And from there, according to the notes that the D.A. turned over to the defense, John Johnson focused in on Curtis Flowers. Almost all of Johnson's notes were about Curtis Flowers, except for a few notes mostly about Doyle Simpson, the guy who claimed his gun had been stolen on the day of the murders

Less than two hours after John Johnson talked to Tom Tardy, Curtis Flowers was brought in for questioning.

This first interview with Curtis wasn't recorded so all I have are the notes from John Johnson and another investigator.

And in this interview, according to the notes, John Johnson asks Curtis questions about what Tom Tardy had told him. Johnson asks Curtis about whether he was involved in the earlier break-in at Tardy Furniture. Curtis tells him no.

Curtis said that he'd missed a bunch of days at work and that when he'd called Bertha she'd told him she just couldn't use him anymore. Curtis said he wasn't upset about it. He'd only worked the job for three days.

At the end of the interview an investigator asked Curtis if he could test his hands for gunshot residue. And Curtis said yes. The test would later come back as having found a single particle of gunshot residue on the back of Curtis' right hand.

And this single particle in a lot of jurisdictions wouldn't even be considered a positive test result. And that's because it's really easy to pick up a few particles of gunshot residue by chance, especially if you're in a place where there are a lot of people passing through who've fired guns, like a police station or a squad car. One study by the Colorado Bureau of Investigations tested the backseats of 26 patrol cars and found gunshot residue particles in more than half of them.

When investigators tested Curtis Flowers for gunshot residue, they did it inside the police station after Curtis had already been there for several hours, and after an officer had given Curtis a pen that he used to sign away his Miranda rights, and after Curtis had gotten a ride to the police station in a squad car.

Curtis Flowers wasn't arrested that day and John Johnson kept investigating.

In August and September of 1996, in the weeks and months after the murders, John Johnson spent a lot of time looking into the little details that the family members of the victims at Tardy Furniture had given him.

John Johnson appeared to treat these details as clues, clues that Curtis might have committed the murders.

John Johnson looked into Curtis dropping those batteries. From the notes I have of the interviews Johnson conducted, Johnson seems less interested in what happened with the batteries and more interested in how Curtis reacted when the batteries fell. John Johnson kept asking people if Curtis had laughed when the batteries fell.

I have a transcript of an interview Johnson did with Curtis' uncle, Roscoe Campbell. Roscoe was there when the batteries fell. And in the interview Johnson asks Roscoe if Curtis laughed. And Roscoe tells Johnson, quote, "He smiled, you know, like a normal person do. You know, just like me and you. If you go out there and do something and you know you made a mistake, you gonna smile, you know, try to keep it down. That is all you do. You don't get mad about nothing like that."

Johnson also started asking people whether Curtis, this man in Mississippi, was sweaty.

In one transcript, Johnson asks a man who said he saw Curtis walk by on the day of the murders a question about Curtis. Johnson asked, "Was he sweating at the time?" The man said, "Yeah, he was sweating." Johnson asked, "Sweating a little bit or a lot?" "A lot" the man said.

I ended up talking to this man one day last July with our producer Natalie. His name is Clarence Forrest. And the day I went to see him was one of the hottest days of the summer. It was in the '90s. We were standing outside his house. Clarence was wearing a white tank top and he had a white towel wrapped around his neck. And Clarence told me, yeah, he did sort of remember John Johnson asking him about Curtis sweating. And he said, yes, of course Curtis was sweating that day. I mean, it's Mississippi. People here are sweating all the time. He said he and Curtis even used to joke about it

*Clarence Forrest: Like now, hot, we always tease each other 'cause it's hot. The way we sweat — 'cause when we just move a little bit, we sweat so bad, 'cause I always tell him, 'Man, you sweat worse than me.'*

As Clarence told me about how sweaty he and Curtis were, sweat was pouring off his face, like it was raining. So Clarence sweat, and Curtis sweat, and Natalie and I, we were sweating too, listening to all of this under the open sun.

In those early days after the murders, this was what John Johnson had: sweat and batteries. But he kept investigating.

Curtis Flowers was brought in for questioning again two days after the murders and again the following week.

Curtis didn't get a lawyer.

And everything that law enforcement asked Curtis to do, he did.

A few days after the murders, law enforcement asked Curtis to submit to a polygraph, and Curtis agreed. They actually did two of them. An investigator later claimed that Curtis' polygraphs showed deception on questions about whether Curtis had knowledge of the earlier break-in at Tardy Furniture, and whether he had knowledge of the murders and whether he had committed the murders. I don't have the actual results from the polygraph — just a typed-up summary written after the fact

As I mentioned in an earlier episode, polygraphs are notoriously unreliable. Because polygraphs cannot tell you whether someone is lying. All they can tell you is whether someone is anxious when they're being questioned by the cops. Polygraphs are so unreliable they're generally not admissible in court in criminal trials.

John Johnson kept investigating Curtis, even when the evidence started to point away from him.

Investigators took Curtis' clothing and tested it for the DNA of the victims. They didn't find any.

They looked for Curtis' fingerprints on the cash drawer and counter at the store and in the car where he'd supposedly stolen the gun. They didn't find any.

Curtis didn't have a criminal record.

There was no record of him threatening anyone.

For at least part of the morning, Curtis had an alibi.

And the crime itself, shooting four people execution style in the head, seemed to suggest that whoever did it had a lot of experience with guns and was an excellent shot, which Curtis, as best I can tell, was not.

But John Johnson kept going.

And law enforcement decided to try something else, something they've never acknowledged doing. And what they tried had to do with Curtis' father, Archie Flowers.

At the time of the murders, Curtis' father Archie worked at a convenience store in Winona. Archie got along well with the people he worked with, including two white men named Jeff Kelly and Troy Yates.

Jeff and Troy knew the rest of the Flowers family, too. And this friendship between these two white men and the Flowers family stood out a bit in a place like Winona, where black people and white people tended not to associate much with one another.

I was talking with Jeff Kelly at his house one day when he told me what had happened.

There was a lawn mower running so the audio quality isn't great.

*Jeff Kelly: He called me to the police station.*

Jeff Kelly told me that one day, sometime after the murders, the D.A.'s investigator John Johnson called him down to the police station and handed him a recorder

Jeff Kelly said John Johnson told him, "Get Curtis in the truck with you. Y'all go out in the country. Ride around and drink some beer, smoke a little weed. Get him to talk. Then punch the recorder."

What Jeff Kelly was telling me was something I had never heard before, and something that had never come up at any of the trials.

Jeff Kelly told me that after hearing this from John Johnson, he went home and sat on the floor and cried.

He said he told his mother that he couldn't do it. He'd known Curtis' father for so long. He said I can't backstab those people like that. And so, Jeff Kelly said, he gave the recorder back to John Johnson and told him, "That's your job not mine."

Jeff Kelly wouldn't do it. But the other white man who worked with Curtis's father at the store would.

This other man, Troy Yates, actually did make some kind of recording of Curtis, but it wasn't used by the prosecution at trial, and in fact, the D.A. Doug Evans would later tell the court that the recording wasn't something that had come from law enforcement, that it wasn't something law enforcement or his office had asked Troy Yates to do. Evans told the court, quote, "We had nothing to do with it."

Troy Yates is dead. But I found out from talking to Troy's brother that what Doug Evans told the court about who asked Troy to make the recording wasn't true

Troy's brother is a man named Jerry Yates. He used to be a cop in Winona at the time of the murders.

I went to see Jerry Yates one evening with our reporter Parker. Jerry Yates lives out on a country road with his wife Jill in a big log cabin with a green metal roof.

Jerry's wife greeted us and invited us inside. The walls were lined with the heads of taxidermied animals. There were two handguns lying out on the kitchen counter.

And sitting underneath the stuffed head of an elk was Jerry Yates. He was drinking a beer.

*Madeleine Baran: Hi, I'm Madeleine. nice to meet you.*

*Jerry Yates: Jerry Yates.*

*Parker Yesko: I'm Parker. Nice to meet you.*

*Jerry Yates: You too, ma'am.*

We sat down, Jerry at the head of the table, me and Parker next to him on one side, and his wife Jill on the other.

*Jerry Yates: I've had different lawyers call me and want to come talk to me and some that's come out here, you know, about the Flowers case and stuff like that. So, you know, I just tell 'em I don't want to get involved, you know. I have to live here in Winona and I ain't gonna — nah.*

*Madeleine Baran: Like if you testify for Curtis, then that's a problem with everyone else.*

*Jerry Yates: You know, but it was a mess. Still a mess.*

Before I could even ask Jerry about this mystery recording that his brother Troy had made, Jerry brought it up himself.

*Jerry Yates: Troy had rode, had rode Curtis around, trying to get him to talk, but he didn't say nothing, you know.*

*Madeleine Baran: Trying to see if he did it?*

*Jerry Yates: Yeah. Yeah. See what he would say.*

*Madeleine Baran: Was Troy working for the law enforcement doing that?*

*Jerry Yates: Yeah, sheriff, sheriff department. Yeah. He was a jailer and done deputy work, too, yeah.*

*Madeleine Baran: Oh, okay, so like the sheriff asked him to —.*

*Jerry Yates: Yeah.*

*Madeleine Baran: ...see if he could get a confession out of Curtis?*

*Jerry Yates: Yeah. He, yeah, just to see if he would say anything, but he didn't.*

The D.A. Doug Evans had said in court to a judge that this recording wasn't done at the request of law enforcement. But Jerry Yates, who was a member of law enforcement at the time, was saying, "Oh, yes it was."

Law enforcement had tried to get people to secretly record Curtis, to get a confession out of him, but it hadn't worked. And as the weeks passed, in the summer of 1996, John Johnson still didn't have any hard proof that Curtis Flowers had committed the murders.

That's when John Johnson started taking statements from a lot of those route witnesses, the people who claimed to have seen Curtis walking around town on the morning of the murders.

In late August, John Johnson tried showing a photo lineup to a white man named Porky Collins, who said he'd had seen two black men in the parking lot of the downtown business district. They were standing outside of a car near Tardy Furniture on the morning of the murders. Porky said he only saw the men for a second or two. Almost six weeks later, John Johnson and another investigator showed Porky twelve photos. One of the photos was of Curtis. Johnson's notes say that Porky picked out a few people who looked like the person he saw until eventually landing on Curtis. At trial, Porky would later say he wasn't actually sure if the man was Curtis. He went back and forth on it.

So John Johnson had found this one shaky photo identification of Curtis in his weeks and weeks of investigating. There was still no direct evidence linking Curtis to the crime. There were still no shoes to match the bloody shoe prints left at the murder scene. There was still no gun and no evidence that Curtis had ever had a gun. And there was something strange about John Johnson's notes trying to connect Curtis to a gun and to those shoes. That's after the break.

**BREAK**

I kept trying to retrace the steps of John Johnson's investigation. I kept trying to decipher his notes, these handwritten phrases scribbled on pieces of paper.

One of the most mysterious notes in the file appeared to be from an interview that John Johnson had conducted on August 11 with a man who lived across the street from Curtis at the time of the murders. The man's name is Jerry Ghoston. He never testified at trial. And this note never came up at trial either. But Johnson's note from this interview stood out to me because it had to do with a gun.

At the time of this interview the cops still weren't certain which gun was the murder weapon. They still hadn't found that bullet in the mattress at Tardy Furniture, that pristine bullet, the one that Doug Evans' expert would later claim was a 100 percent match to the missing gun owned by Doyle Simpson.

Johnson's note from his interview with Jerry Ghoston was just one sentence long. It said, quote, "Four to five months before July 16, 1996, Curtis Flowers told Jerry he had a pistol. Did not say what kind."

I found Jerry Ghoston one day outside his house, and he told me that on the day of the murders, Curtis had stopped by his house for a few minutes. Jerry told me that he remembers John Johnson coming to talk with him about a month or so later.

*Jerry Ghoston: He asked me was, was he sweating or whatever. I said, 'No, he wasn't.'*

*Madeleine Baran: They asked if he was sweating?*

*Jerry Ghoston: Yeah. I mean, I told him, I said, 'Nah, he just came,' I said, 'He just came over, asked for a cigarette. That was it.'*

Jerry Ghoston told me that after telling John Johnson all of this, he never heard from him again.

*Madeleine Baran: So this like is from, this is from when he talked to you on August 11th of that year?*

I handed Jerry Ghoston the note from John Johnson's interview — that piece of paper with the one line on it, saying Curtis told Jerry that he had a pistol.

And Jerry Ghoston took this piece of paper and held it in both hands and started reading.

*Jerry Ghoston: A pistol? What, what is this? I did not —. I did not say that. I did not tell him that.*

*Madeleine Baran: That Curtis told you he had a gun?*

*Jerry Ghoston: I did not tell him that.*

*Madeleine Baran: Is this the first time you've seen this?*

*Jerry Ghoston: I mean, yes I have.*

*Madeleine Baran: Yeah*

*Jerry Ghoston: Lord, man. God, man. What's up with — hey what's up with this?*

*Madeleine Baran: That's a good question. I wish I knew.*

*Jerry Ghoston: It never happened. I never did say this. Never did.*

*Madeleine Baran: Curtis never told you he had a pistol?*

*Jerry Ghoston: Nev-, never.*

*Madeleine Baran: Did he ever talk about having a gun?*

*Jerry Ghoston: No, never. There is no way I told this man that this man had a gun.*

*There's no way. That's, that's a false statement right there.*

*Madeleine Baran: False statement?*

*Jerry Ghoston: Yes, it is.*

Jerry Ghoston was saying that the notes that John Johnson had taken were false, that he never said what John Johnson's note claims he did.

And Jerry Ghoston wasn't the only person who told me this.

As I continued looking at John Johnson's notes, I got to a bunch of notes that involved shoes, Fila Grant Hill tennis shoes to be exact.

It made sense that there would be notes about shoes because cops had found bloody shoe prints at the crime scene that looked like they were made by a Fila Grant Hill shoe. They never found the shoes.

But officers did find a Fila Grant Hill shoebox when they searched the house where Curtis lived with his girlfriend and her kids, although there was an explanation for why it was there that didn't involve Curtis.

Curtis' girlfriend said the shoes belonged to her son, and that he'd outgrown them and thrown them out. And the son confirmed that the shoes were his.

So, John Johnson looked for another way to connect Curtis Flowers with Fila Grant Hill shoes. He started going around town talking about shoes with all kinds of people.

Johnson's notes from these interviews were brief. Sometimes there'd be a scrawled line that would say Fila or Fila t-shoes or Fila Grant Hill. Some of the notes were a bit longer, like one note said, quote, "Has seen Curtis Flowers wearing Fila t-shoes. Remembered red, white, and blue stars on toe."

The notes appeared to be from interviews with people who had told John Johnson that Curtis actually did wear Fila Grant Hill shoes.

So Natalie and I went out to find these people. We started to think of them as the "shoe people."

*Madeleine Baran: And we are sitting here looking at a list of what we're going to call miscellaneous shoe people.*

We brought John Johnson's notes with us and when we found a shoe person we'd ask them, "What kind of shoes did Curtis wear? Did Curtis wear Fila Grant Hill shoes? Did you tell law enforcement he did?"

*Madeleine Baran: So, do you remember like telling them like that Curtis wore Filas?*

*Lawanda Glover: No, I did not say that. I put that on my children. I did not say that.*

People would look at us with these puzzled expressions, like what are you talking about?

*Tanya Sanders: I don't know one shoe from the other one.*

*Madeleine Baran: Do you know what Filas look like?*

*Tanya Sanders: Be honest? No. To tell you the truth, I'm not a rich person. I bought my children's shoes from WalMart. So, I'm not into all this expensive stuff. No, I can't afford them, so why would I even look at them?*

These shoe people were saying the same thing that Jerry Ghoston had told me, that John Johnson's notes were wrong. Of course, it was possible that some people might be remembering things incorrectly or even lying to us. But this wasn't just one person or two or even three. This kept happening.

*Jacqueline Campbell Garron: I don't know anything about no shoes, no murder, no nothing.*

*Madeleine Baran: You never saw him wearing like, Filas, or anything like that?*

*Jacqueline Campbell Garron: No. He always wore dress shoes. Because he was in a singing group.*

*Madeleine Baran: OK.*

*Jacqueline Campbell Garron: So, anything else, I don't know nothing about that.*

*Madeleine Baran: Not a shoe person. Not a shoe person.*

*Madeleine Baran: Did Curtis ever wear Filas?*

*Mary Sue Moore: Not that I know.*

*Natalie Jablonski: Did you ever tell law enforcement that Curtis Flowers wore Fila shoes?*

*Carol Lanney Moore: No ma'am, I didn't. Kind of shoes Curtis had, I have no idea, because he was at his house and I stayed at mine.*

*Madeleine Baran: She's not a shoe person.*

The notes that John Johnson had taken about shoes appeared to be mostly or even entirely wrong.

But they were actually pretty important. Because these notes didn't just stay in an investigative folder somewhere. Some of these notes actually ended up being talked about at trial. That's what happened with a man named Antonio Earl Campbell.

He's one of Curtis' cousins and he later worked for the sheriff's office as a deputy. But he wasn't in law enforcement at the time of the murders.

Antonio Earl Campbell told me that he was interviewed by John Johnson and another investigator, and that Johnson asked him a lot of questions about Curtis and shoes. But Antonio said he told John Johnson, "Sorry, I can't help you. I've never seen Curtis wearing Fila Grant Hills."

*Antonio Earl Campbell: No, I never seen Curtis with no Filas on. Now back then, Curtis used to wear Nikes all the time.*

Antonio Earl Campbell told me that John Johnson gave him a ride home and he thought that was the end of it.

*Antonio Earl Campbell: Probably about two or three weeks later, my aunt, I think my auntie called me and told me, 'John Johnson said that you seen Curtis wearing some kind of shoe.' I said, 'Woah!' I said, 'He told you that?' She said, 'Yeah.' I told her, I said, 'Hold on.'*

Antonio said that when he heard that he went to find John Johnson to confront him about it.

*Antonio Earl Campbell: I said, 'I ain't told you that.' You know, that's what I told him. I said, 'Man, I didn't tell you this.' I gets up and I leave out. So, I meant--.*

*Madeleine Baran: You're not a shoe person.*

*Antonio Earl Campbell: I'm not a shoe person. (laughs)*

Antonio Earl Campbell testified for the defense in Curtis' first trial about this interview with John Johnson. He told the jurors that he'd never seen Curtis wearing Fila Grant Hill shoes. But on cross examination the D.A. Doug Evans started asking his own questions about shoes and about what, according to the investigative notes, Antonio had said about them when he was questioned by John Johnson and the other investigator.

Evans said, quote, "On August 29, 1996, you said that you had seen him wearing these shoes at least twelve times, is that right?"

Antonio Earl Campbell told him, "No sir. I did not tell him that."

"Well," Evans said, "if you didn't say it, then why do two law enforcement officers say you did?"

Antonio said, "Anybody can come and tell a lie. Anybody can write things on paper that you ain't say."

Doug Evans kept going.

"You are saying that these two trained investigators, that between them probably have a total of fifty years in law enforcement, would come up here and lie under oath about something you said?"

"I don't care [if] they got thirty," Antonio said. "I know what I said."

Antonio Earl Campbell never testified again in the trials of Curtis Flowers. And he told me he still can't believe how much time he spent back then talking about and being questioned about and testifying under oath about a pair of Fila Grant Hill shoes that he says he never saw.

*Antonio Earl Campbell: But I'll tell you one thing. It made me not buy no Fila shoes.*

*Madeleine Baran: After this?*

*Antonio Earl Campbell: Yeah, I wouldn't buy no Fila shoe.*

I had spent nearly a year trying to decipher John Johnson's notes, trying to understand how John Johnson had built the case against Curtis Flowers. How he'd taken a story about a sweaty black man who stared at white women and turned it into an entire criminal investigation.

I'd gone through every single note John Johnson had written and I'd talked to as many of the people as I could find who'd been mentioned in them.

And by the end of it, I'd found a total of 17 people who told me that what John Johnson had written down as he was trying to connect the dots that led to Curtis was wrong — 17 people.

These were people who, according to John Johnson, had given statements about shoes or seeing Curtis on the day of the murders or other things, like what Johnson's notes claim Jerry Ghoston had said about the gun. But according to these 17 people, these notes were wrong.

I wanted to talk to John Johnson about all of this, about how he conducted the investigation, the attempts to get secret recordings of Curtis confessing, all those handwritten notes, all those notes about sweat and batteries and shoes, those notes that some people had told me were flat out wrong.

I wasn't able to find a phone number or an email for John Johnson. I met several people who did have his phone number, but they refused to give it to me or even to pass along a message that I wanted to talk with him.

When I asked Jerry Yates, the former police officer, about it he just shook his head.

His wife Jill took out a pen and a notepad and wrote the words "PRIVATE PERSON" on it in all caps and pointed at it.

And so, Parker and I decided to just go to John Johnson's house one day.

*Madeleine Baran: I have no idea how this is going to go. None.*

Johnson lives out in the country, on the outskirts of Winona.

John Johnson's property is secluded. You can't see his house from the road. We drove onto his gravel driveway. The driveway slopes up at first, so you can't see anything until you get over the hill. And once we did, we saw that John Johnson's house was at the very bottom of a long hill at the end of the driveway. We drove toward it.

*Madeleine Baran: It's a long driveway, we are going down this driveway.*

And as we did dogs started barking. They were in a kennel about 10 feet high and 15 feet long. The dogs were leaping onto the sides, basically throwing themselves seven or eight feet in the air and striking their bodies on the metal fence.

*Madeleine Baran: One, two, three dogs in cages.*

We kept driving. We passed large mounds of what appeared to be cardboard boxes lying in a heap on the other side of the road. The driveway curved through the trees. I noticed a lawn sign on Johnson's property for a state representative named Karl Oliver. Karl Oliver had been in the news the year before because he'd written on Facebook that people who took down Confederate monuments should be quote, "lynched."

We kept going until we got to the small white house at the bottom of the hill. There was a wooden porch on the front and the ceiling of the porch appeared to have a dozen or so thick leather dog leashes with metal buckles dangling down from it.

*Madeleine Baran: Do you think anyone's home?*

We got out of the car and walked up onto the porch. And that's when I realized that John Johnson's porch overlooks what appeared to be his own personal firing range. There were targets with bullseyes on them set up in the yard.

I knocked on the door, but no one answered. So, I left a note with my cell phone number explaining that I was reporting on the Curtis Flowers case and would like to figure out a time to talk. Then we left.

John Johnson didn't respond to my note. So, I sent him a letter via certified mail describing many of our findings and again asking for an interview. He never responded

The closest we ever got to John Johnson happened one night at the Pizza Inn restaurant in Winona

Benny Rigby, the husband of Carmen Rigby, one of the people who was murdered at Tardy Furniture, had invited our reporter Parker to come watch his band perform.

*Benny Rigby: How's everybody doing tonight? Everybody feeling good? Ready to have a good time? That's what I'm talking about.*

Benny Rigby's band is called Toad and the Good Ole Boys.

*Benny Rigby singing: Hello darlin', nice to see you, it's been a long time.*

About 30 or so people were there. Everyone was sitting at these long plastic folding tables, drinking soda and eating pizza. After a few songs, a friend of Benny Rigby's got on stage to do a cover.

*Tape of John Johnson getting on stage. People saying, "C'mon John!"*

It was John Johnson. He was wearing jeans and a short-sleeved shirt. His hair was white and parted to the side. He had a bit of a tough look to him even at the age of 68.

The song John Johnson had chosen to sing was an old hit by Merle Haggard called "Sing Me Back Home."

*John Johnson (singing): The warden led a prisoner down the hallway to his doom. I stood up to say good-bye like all the rest.*

The song John Johnson was singing was about a prisoner being led to his death. As the prisoner is led down the hallway to the execution chamber, he pleads for someone to sing to him like his mama once did. "Sing me back home before I die."

*John Johnson (singing): Let him sing me back home with a song I used to hear. Make my old memories come alive.*

It was jarring to hear John Johnson, the investigator, switch roles and sing from the perspective of a prisoner.

I would never get to talk to John Johnson. Before Parker could say anything to him he left. And that was it. We never heard back from him and we never saw him again. I was never able to ask him about anything he'd done in the investigation of the murders at Tardy Furniture. All I had was this one song he'd sung, a song about a man being led to his death, sung casually at the Pizza Inn one Thursday night.

Coming up on the final two episodes of Season Two of In the Dark:

*Man: (unintelligible) jail. Can I help you?*

*Madeleine Baran: Hi, I was calling to see if there's a way to go about checking to see whether someone was in the jail in the past?*

*Man: What's the last name?*

*Madeleine Baran: Do you think that if they had evidence of someone else who could have done it, that that would have been helpful to know?*

*Alexander Robinson: I don't know how we would've voted, but it would've been different.*

*Madeleine Baran: Did he work downtown or something?*

*Libby Flowers: No, he wasn't working down there. But he had a grandmother that lived over there, so he was in the vicinity.*

*Jeffery Armstrong: This thing has been a mess since the day it happened.*

*Bennett Gershman: If a prosecutor knows that evidence is favorable, the prosecutor must disclose.*

*Tunnel sounds*

*Parker Yesko: Should we go through?*

*Madeleine Baran: Sure.*

*Jeffery Armstrong: It's kind of slippery, so don't fall.*

In the Dark is reported and produced by me, Madeleine Baran, senior producer Samara Freemark, producer Natalie Jablonski, associate producer Rehman Tungekar, and reporters Parker Yesko and Will Craft.

In the Dark is edited by Catherine Winter. Web editors are Dave Mann and Andy Kruse. The Editor in Chief of APM Reports is Chris Worthington. Original music by Gary Meister and Johnny Vince Evans. This episode was mixed by Corey Schreppel.

We have a lot more on our website: [IntheDarkpodcast.org](http://IntheDarkpodcast.org). You can see some of John Johnson's notes, including the one from his interview of Tom Tardy, the one about Curtis. There's also more on the website about that lawsuit against John Johnson for beating up a man while on duty as a cop. And we're also posting the lineup that Porky Collins was shown. That's [IntheDarkpodcast.org](http://IntheDarkpodcast.org).